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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,625	09/17/2001	William T. Turner	330235.00032	7554
26707	7590	02/21/2006	EXAMINER	
QUARLES & BRADY LLP RENAISSANCE ONE TWO NORTH CENTRAL AVENUE PHOENIX, AZ 85004-2391			WARREN, DAVID S	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

2K

Office Action Summary	Application No.		Applicant(s)	
	09/954,625		TURNER, WILLIAM T.	
	Examiner		Art Unit	
	David S. Warren		2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination

As a matter of record, the Examiner notes that the Applicant is not pursuing the Appeal filed February 28, 2005. This Office Action is in response to an RCE filed January 6, 2006.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 41, 42, 45, 46, 48, 49, 53, 55, and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Blucher et al. (5,908,998). Regarding claims 41, 48, and 55, Blucher discloses the use of an electric guitar comprising a strings (14, fig. 1), a pickup comprising upper and lower bobbins (44, 46; fig. 5), first wire coil (un-numbered, but shown in fig. 5), and a second wire coil (un-numbered, but shown in fig. 5) wrapped to produce a humbucking effect (see col. 6, lines 45 – 55), a ferromagnetic plate (42)

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disposed between upper and lower bobbins to isolate magnetic lines of force (Blucher discloses that the thickness of the plate can be varied to obtain any desired effect - col. 5, lines 20 – 23), a plurality of permanent magnetic rods (50) extending through both upper and lower bobbins and through ferromagnetic plate (see figs. 4 and 5), and a plurality of ferromagnetic slugs (45, 50A; figs. 4 and 5; col. 5, lines 27 – 29) . The Examiner notes that claim 41 requires the slugs to pass through both the upper and lower bobbins, while independent claims 48 and 55, require slugs in the upper or lower bobbin. Regarding claims 42, 49, and 56, it appears the elements 50A are identical to elements 45, thus these elements are interchangeable. Regarding claims 45 and 53, regardless of the dimensions of the ferromagnetic plate (42) there will be some magnetic field lines that terminate on the upper surfaces of the plate (42) – magnetic lines of force see the path of least reluctance, ferromagnetic material has less reluctance than the surrounding air. Regarding claim 46, the ferromagnetic plate (42) is position between the upper and lower wire coils, thus this plate magnetically separates these coils.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 43, 44, 47, 50 – 52, 54, and 57 – 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blucher et al. in view of Stich (5,789,691). The teachings of Blucher have been discussed supra with respect to independent claims 41, 48, and 55. Regarding claims 43, 50, 52, and 57, Blucher discloses the use of a ferromagnetic material for the plate (42) and ferromagnetic material for the slugs (45, 50A; col. 5, lines 27 – 29). Steel is a ferromagnetic material. The Examiner maintains that steel is functionally equivalent to ferromagnetic material and that one of ordinary skill would think to substitute steel. The motivation would be to take advantage of steel's attributes such as variability, ferromagnetic qualities, durability, etc. Regarding claims 44, 51, and 58, Blucher does not specifically describe the exact dimension of plate (42). However, Blucher does disclose that the practitioner may select any thickness and/or dimension based on desired results (see col. 5, lines 20 – 23). The dimensions chosen by the Applicant (i.e., between 0.125 and 0.187 inches) are deemed to be obvious matters of design choice. Regarding claims 47, 54, and 59, Blucher does not disclose the use of side plates attached to sides of the lower bobbin and extend upward past the ferromagnetic plate. However, Blucher clearly discloses side plates that extend upward past the side plate (un-numbered but shown as the flanges on plate 42 in figs. 4 and 5). Stich discloses the use of covering (12) wherein side plates extend past plate (54) that separates upper and lower coils. It would have been obvious to one of ordinary skill in the art to combine the teachings of Blucher and Stich to obtain a pickup with protected coils having a side wall extending beyond the dividing plate. The motivation for making

this combination is to take advantage of the magnetic field enhancing effects of Blucher with the protective features of Stich.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Freeman discloses Applicant's ferromagnetic plate (see element 20). The patents to Blucher ('461), Fender ('974), and Fender ('975), clearly disclose the use added "plugs" to modify and/or enhance the magnetic lines of force.

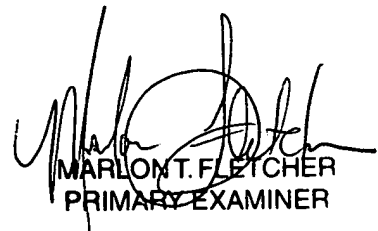
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Warren whose telephone number is 571-272-2076. The examiner can normally be reached on M-F, 9:30 A.M. to 6:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2001 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dsw



MARLON T. FLETCHER
PRIMARY EXAMINER